

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Gary D. Scheff,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Blue Cross Blue Shield of North	)	
Dakota,	)	
	)	Case No. 4:15-cv-173
Defendant.	)	

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On November 14, 2016, the parties filed a “Joint Motion for an Order Adopting Stipulations of the Parties Regarding the Filing of an Amended Complaint and a Stay of Proceedings to Permit Consideration of Plaintiff’s Claim by the Claims Administrator.” The court **GRANTS** the parties’ motion and **ADOPTS** the parties’ stipulations (Docket Nos. 29 and 30).

Plaintiff shall have until November 30, 2016, to file an Amended Complaint setting forth a single count under ERISA 502(a)(1)(B), 29 U.S.C. § 1132(a)(1) (B). Plaintiff shall submit a claim for benefits to Defendant Blue Cross Blue Shield of North Dakota (“BCBSND”), as claims administrator, for determination of the claim as if the claim were submitted for the first time, without any presumption that the prior determination of plaintiff’s claim was correct, and with a right to seek review by a claims administrator within 180 days notice of the determination of the claim in the event that the determination of the claim is adverse. Further proceedings in this matter shall be stayed until August 14, 2017. Counsel for BCBSND shall submit a status report to the court regarding the status of plaintiff’s claim (without comment on the claim’s merits) on February 20, 2017.

**IT IS SO ORDERED.**

Dated this 16th day of November, 2016.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court